IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

W. P. Nos.19316 AND 17335 OF 2004

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WRIT PETITION NO : 19316 of 2004

Between:

V.Adi Lakshmi, W/o. Late B.Gurunadham
R/o. Thota Venganna Palem, Tallur Mandal, Prakasam

District.

..... PETITIONER

AND

1 The Revenue Divisional Officer Kandukur, Prakasam District
2 The Mandal Revenue Officer Tallur, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to To issue an order or direction, particularly one in the nature of Writ of Mandamus, declaring the action of the respondent in not releasing the essential commodities to the petitioner as arbitrary, illegal, discriminatory, and violative of Art. 14 and 21 of the Constitution of India, and consequently direct the respondents to continue the supply of essential commodities to the petitioner.

WRIT PETITION NO : 17335 of 2004

Between:

V. Adi Lakshmi, W/o. Late B. Gurunadham

R/o. Thota Venganna Palem, Tallur Mandal, Prakasam

District

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kandukuru, Prakasam

District.

2 The Mandal Revenue Officer, Tallur Mandal, Tallur

Prakasam district.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly one in the nature of Writ of Mandamus, declaring the order of the 1st respondent in L.Dis No. 2325/2004, dated 13-9-2004 as arbitrary, illegal, discriminatory, violative of the principles of natural justice and Article 21 of the constitution of India, and contrary to the spirit of the A.P. Scheduled Commodities (Regulation of Distribution by card system) order, 1973, and consequently set-a side the same and direct the respondents to continue the petitioner's F.P. shop Licence.

Counsel for the Petitioner: MR.KASAJAGANMOHAN REDDY

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the admissions stage made the following :

COMMON ORDER:

The petitioner was appointed as a temporary Dealer of the Fair Price Shop of Thota Venganna Palem Village, Tallur Mandal, Prakasam Dsitrict.

The 1st respondent passed an order, dated 13.09.2004, directing the 2nd respondent not to allot essential commodities to the petitioner on the allegation that she was not distributing the commodities properly. W.P.No.17335 of 2004 is filed challenging the same.

This Court passed an interim order on 24.09.2004, directing that the 2nd respondent shall release the essential commodities to the petitioner, if she holds a valid

authorization and the same is subsisting. Complaining that the essential commodities are not being supplied despite such orders, she filed W.P.No.19316 of 2004, seeking appropriate directions.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

A perusal of the order, dated 13.09.2004, discloses that the 1st respondent directed the 2nd respondent not to allot any essential commodities on the ground that the petitioner was not distributing them properly. If the authorisaton, be it temporary or permanent, is subsisting, the respondents cannot refuse to supply the essential commodities. Such a course of action would amount to disregarding a valid authorization. If a particular Dealer is found to be resorting to any irregularities, the respondents are vested with the power to take appropriate action. Till such an action is taken, the supplies cannot be discontinued.

Hence, these writ petitions are disposed of directing that as long as the petitioner holds a valid authorisation in her favour, the 2nd respondent shall supply the essential commodities to her. There shall be no order as to costs.

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15.12.2004

Note: Issue C.C. in two days

(B/o)

Jsu

To

1 The Revenue Divisional Officer, Kandukuru, Prakasam

District.

2 The Mandal Revenue Officer, Tallur Mandal, Tallur,

Prakasam District.

3 2CCs to the G.P. For Civil Supplies, High Court Buildings,

Hyderabad.

4 2CD copies.